

## DECLARATION AND POWER OF ATTORNEY

We, the below named inventors, hereby declare that:

Our residences, post office addresses, and citizenships are as stated below next to our respective names.

We believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD OF PRODUCING DEVICE QUALITY (AL)InGaP ALLOYS ON LATTICE-MISMATCHED SUBSTRATES**, the specification of which was filed with the United States Patent and Trademark Office on November 24, 1999, as Serial No. 09/449,217. This application claims priority under 35 U.S.C §119 (e) from United States provisional Patent Application Serial No. 60/109,619, filed November 24, 1998.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims.

We acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

We hereby declare that all statements are made hereby of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And we hereby appoint:


Maurice E. Gauthier	- Reg. No. 20,798
I. Stephen Samuels	- Reg. No. 20,919
Richard L. Stevens	- Reg. No. 24,445
Matthew E. Connors	- Reg. No. 33,298
William E. Hilton	- Reg. No. 35,192
Patrick J. O'Shea	- Reg. No. 35,305
Arlene J. Powers	- Reg. No. 35,985
Steven M. Mills	- Reg. No. 36,610
Anthony P. Onello, Jr.	- Reg. No. 38,572
Richard L. Stevens, Jr.	- Reg. No. 44,357

all of the firm of Samuels, Gauthier & Stevens, our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

10023047-124304

**THE**

Attn: Matthew E. Connors

  
(Inventor's Signature)

143 Albany Street  
Cambridge, MA 02139  
(Residence)

Same as Residence  
(Post Office Address)

Eric A. Fyfe  
(Inventor's Signature)

7 Camelot Road  
Windham, NH 03087  
(Residence)

Same as Residence  
(Post Office Address)

**ASSIGNMENT**

Know all men by these presents

THAT WHEREAS WE, Andrew Y. Kim and Eugene A. Fitzgerald .

of Cambridge, MA and Windham, NH, respectively have made an invention for

**METHOD OF PRODUCING DEVICE QUALITY (AL)InGaP ALLOYS ON LATTICE-MISMATCHED SUBSTRATES**

described in the application filed with the United States Patent and Trademark Office on November 24, 1999, as Serial No. 09/449,217, which claims priority from United States Provisional Patent Application Serial No. 60/109,619, filed November 24, 1998; and

WHEREAS Massachusetts Institute of Technology, a corporation duly organized and existing under the laws of Massachusetts and having a place of business at 77 Massachusetts Avenue, Cambridge, Massachusetts 02139, for the benefit of itself, its successors and assigns, all inclusively hereinafter referred to as the Assignee, is desirous of acquiring the entire right, title and interest in and to the said invention, the said application, all inventions disclosed in said application, and any and all Letters Patent of the United States and of all other countries which may be granted for the said invention or inventions, or any of them;

NOW, THEREFORE, for good and valuable consideration provided by said Assignee, the receipt whereof is hereby acknowledged, we do hereby sell, assign and transfer to the said Assignee the entire right, title and interest in and to the said invention, inventions and application, including all priority rights arising therefrom, all inventions disclosed in said application, and any and all Letters Patent of the United States, and of all other countries, together with the right to apply for such Letters Patent, which may be granted for the said invention, inventions or any of them.

TO HAVE, HOLD AND ENJOY the said invention, the said application, and the said Letters Patent, to said

**MASSACHUSETTS INSTITUTE OF TECHNOLOGY**

its successors and assigns, to its and their own use and behoof to the full end of the term or terms for which the said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by us had this assignment and sale not been made.

AND we hereby authorize and request the Commissioner of Patents of the United States and the appropriate officers of all foreign patent offices to issue any and all Letters Patent which may be granted on the said application or applications above referred to, or for the said invention, or any of them, to the said Assignee in accordance with the terms of this instrument.

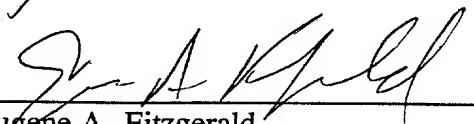
AND we hereby agree to execute and sign without further consideration any other legal document and any other assignments and any divisional, continuing, renewal, reissue or other application in and for all patents that may be appropriate and may be deemed necessary by the Assignee fully to secure to said Assignee its interests as aforesaid in and to the said invention or any part thereof and in and to the said patents or any of them.

AND we further covenant and agree that we will at any time upon request communicate to the said Assignee, its successors, assigns or other legal representatives, any facts known to us relating to the said invention and any patent that may be granted thereon, and will testify as to the same in any interference or litigation when requested to do so.

AND we do hereby covenant for ourselves and our legal representatives that we have not hitherto assigned or granted any license to make, use or sell said invention, and that we will not henceforth purport to assign, license or execute any instrument to that effect in conflict with this assignment.

IN WITNESS WHEREOF we have hereunto set our hands and seal this 3<sup>rd</sup> day of April, 2000.

  
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Andrew Y. Kim

  
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Eugene A. Fitzgerald